

1226

Sponsor(s): Representatives Radcliff, Schual-Berke, Benson, Rockefeller, Barlean, Santos, Kessler, Cooper, Ruderman, Veloria, Stensen, Kenney, Wood, Sullivan, McIntire, Cody, Kastama, Ogden, Talcott, Dickerson, Hatfield, Quall, Constantine, Campbell, Skinner, DeBolt, Wensman, Morris, Edmonds, Murray, Delvin, Romero, Boldt, Dunshee, Mielke, Reardon, Tokuda, Lantz, D. Schmidt, Keiser, H. Sommers, Carlson, Kagi, Van Luven, Esser and Poulsen

Brief Title: Creating the Holocaust victims insurance relief act.

HB 1226 - DIGEST

Provides that to assist Holocaust victims to recover proceeds from insurance policies that were improperly denied or processed, or from other assets, or both, the insurance commissioner may establish a Holocaust survivor assistance office.

Authorizes the insurance commissioner to establish a toll-free telephone number, to be administered by the Holocaust survivor assistance office, and available in English and such other languages as the commissioner deems appropriate. This toll-free telephone number may be used to assist any Washington citizen or resident seeking to recover proceeds from an insurance policy issued to or covering the life or property of Holocaust victims, as well as other recoverable assets.

Authorizes the insurance commissioner to cooperate and exchange information with other states establishing similar Holocaust survivor assistance offices and with the international commission, and may enter into agreements whereby a single processing office may be established on behalf of, and to provide services to the residents of, several states.

Authorizes the insurance commissioner to establish and maintain a central registry containing records and information relating to insurance policies of victims, living and deceased, of the Holocaust.

Requires any insurer that sold life, property, liability, health, annuities, dowry, educational, or casualty insurance policies, to persons in Europe, that were in effect between 1920 and 1945, to file or cause to be filed the following information with the commissioner to be entered into the Holocaust insurance company registry: (1) A list of such insurance policies;

(2) the insureds, beneficiaries, and face amounts of such policies; and

(3) a comparison of the names and other available identifying information of insureds and beneficiaries of such policies and the names and other identifying information of the victims of the Holocaust.

Declares that the destruction of any records or other materials pertaining to such policies shall be a class C felony according to chapter 9A.20 RCW. Evidence of the destruction of such material shall be admissible in both administrative and judicial proceedings as evidence in support of any claim being made against the insurer involving the destroyed material. It shall be permissible to infer that the destroyed material was destroyed to

prevent discovery of information supporting a claim.

Authorizes the insurance commissioner to fund the costs of operating both the Holocaust survivor assistance office and the Holocaust claims registry by assessments upon those insurers providing information to the registry.

Declares that any insurer that knowingly files information required by this act that is false shall be liable for a civil penalty not to exceed ten thousand dollars for each violation. This penalty is appropriated to the office of the insurance commissioner to be used by it to aid in the resolution of Holocaust insurance claims.

Authorizes the insurance commissioner to suspend the certificate of authority to conduct insurance business in the state of Washington of any insurer that fails to comply with the requirements of this chapter by or after the two hundred tenth day after the effective date of this act, until the time that the insurer complies with this act.

Authorizes the insurance commissioner to suspend the application of this act to any insurer that is participating in the international commission process in good faith and is working through the international commission to resolve all outstanding claims with offers of fair settlements in a reasonable time frame.

Provides that any action brought by a Holocaust survivor or the heir or beneficiary of a Holocaust survivor or victim, seeking proceeds of the insurance policies issued or in effect before 1945 shall not be dismissed for failure to comply with the applicable statute of limitations, provided the action is commenced on or before December 31, 2010.